

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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| JOSEPH ALPHEAUS OINCEN CANN, | : | |
| | : | |
| Petitioner, | : | Civil Action No. 15-7401 (CCC) |
| | : | |
| v. | : | MEMORANDUM AND ORDER |
| | : | |
| CHARLES GREEN, <u>et al.</u> , | : | |
| | : | |
| Respondents. | : | |

Pro se Petitioner Joseph Alpheaus Oincen Cann, an immigration detainee confined at the Essex County Correctional Facility in Newark, New Jersey, seeks to bring a habeas petition pursuant to 28 U.S.C. § 2241. Petitioner neither prepaid the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a), nor submitted a complete application to proceed in forma pauperis (“IFP”), as required under L. Civ. R. 81.2(b).

IT IS therefore on this 14 day of October, 2015,

ORDERED that the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** this case; Petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, see Papotto v. Hartford Life & Acc. Ins. Co., 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); Jenkins v. Superintendent of Laurel Highlands, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally); Dasilva v. Sheriff’s Dep’t., 413 F. App’x 498, 502 (3d Cir. 2011) (per curiam) (“[The] statute of limitations is met when a [motion] is submitted to the clerk before the statute runs.”); it is further

ORDERED that the Clerk of the Court shall supply to Petitioner a blank form Application to Proceed in District Court Without Prepaying Fees or Costs—AO 239 (Rev. 12/13); it is further

ORDERED that if Petitioner wishes to reopen this case, he shall so notify the Court, in a writing addressed to the Clerk of the Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 071018, within thirty (30) days of the date of entry of this Memorandum and Order; Petitioner's writing shall include a complete, signed habeas petition on the appropriate form, and either: (1) a complete in forma pauperis application, as required by Local Civil Rule 81.2(b), or (2) the \$5 filing fee; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum and Order upon Petitioner by regular U.S. mail.



Claire C. Cecchi
United States District Judge